

DOCUMENT

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DOC #:

DATE FILED: August 3, 2020UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
UNITED STATES OF AMERICA:  
:  
18 CR 14 (VM)

- against -

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ORDER

STEVEN ARENA,

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:

Defendant.

:  
-----X**VICTOR MARRERO, United States District Judge.**

The Court sentenced defendant Steven Arena ("Arena") to 366 days' imprisonment followed by 3 years' supervised release. (See Dkt. Minute Entry dated 11/15/2019.) Arena is serving his sentence in FMC Devens.

By letter dated July 24, 2020, Arena requests that he be released to home confinement. (See "Motion," Dkt. No. 391.) Pursuant to the Court's Order, the Government responded on July 28, 2020. (See Dkt. No. 392.)

The Court will deny the Motion. First, the Motion seeks a transfer to home confinement. This remedy is committed by statute to the discretion of the Bureau of Prisons and the Court lacks authority to order such a transfer. United States v. Bido, No. 14 CR 212, 2020 WL 2765689, at \*1 (S.D.N.Y. May 28, 2020). Second, the Motion rests entirely on the general allegation that Arena has "been in severe pain and pleading for medical assistance to no avail." (Motion at 1.) The Government has indicated, however, that the facility did

respond to his request for medical assistance. In fact, shortly before Arena filed the Motion, he underwent surgery; as of July 27, 2020, he reported the absence of pain. Without more particularized support for Arena's Motion, the Court sees no basis to hold that FMC Devens is providing inappropriate or inadequate medical care.

The Motion represents Arena's fifth attempt to be released from prison. Even construed as a motion for reconsideration of the Court's prior orders denying compassionate release pursuant to 18 U.S.C. Section 3582(c)(1)(A), the Motion contains no overlooked matters or legal authority. Thus, Arena has not met his burden of demonstrating that reconsideration of the Court's previous orders is warranted. (See June 23, 2020 Order at 2-3.)

Accordingly, it is hereby

**ORDERED** that the defendant's motion for transfer to home confinement (Dkt. No. 391) is **DENIED**.

**SO ORDERED.**

Dated: New York, New York  
3 August 2020



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Victor Marrero  
U.S.D.J.